Supreme Court, U.S.
FILED
NOV 10 2005
OFFICE OF THE CLERK

(5)

No. 04-1477

IN THE

Supreme Court of the United States

GARY KENT JONES,

Petitioner,

v.

LINDA K. FLOWERS and MARK WILCOX,
Commissioner of State Lands,

Respondents.

On Writ of Certiorari to the
Supreme Court of Arkansas

JOINT APPENDIX

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Petition For Certiorari Filed May 5, 2005
Certiorari Granted September 27, 2005

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The following opinion and orders have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the Petition for Certiorari:

Order of the Circuit Court of Pulaski County, Arkansas, Granting Defendants' Motions for Summary Judgment, entered Jan. 14, 2004 ..... 12a

Opinion of the Arkansas Supreme Court, dated Nov. 18, 2004 ..... 1a

Order of the Arkansas Supreme Court denying petition for rehearing, dated Jan. 6, 2005 ..... 14a

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

Circuit Court of Pulaski County, Arkansas,
Sixth Division, Case No. CV 2003-8565

July 28, 2003	Complaint
August 11, 2003	Answer of Defendant Flowers
August 12, 2003	Answer of Defendant Wilcox, Commissioner of State Lands
August 20, 2003	Defendant Flowers's Counterclaim for Unlawful Detainer
September 2, 2003	Answer to Counterclaim
September 17, 2003	Amended Complaint
September 30, 2003	Answer of Defendant Wilcox, Commissioner of State Lands, to Amended Complaint
October 2, 2003	Motion for Summary Judgment by Defendant Flowers
October 16, 2003	Plaintiffs' Response to Motion for Summary Judgment by Defendant Flowers
November 17, 2003	Motion for Summary Judgment by Defendant Wilcox, Commissioner of State Lands

November 24, 2003	Plaintiffs' Motion for Summary Judgment
December 3, 2003	Response of Defendant Flowers to Plaintiffs' Motion for Summary Judgment
December 9, 2003	Response of Defendant Wilcox, Commissioner of State Lands, to Plaintiffs' Motion for Summary Judgment
January 6, 2004	Plaintiffs' Memorandum in Reply to Defendants' Responses to Plaintiffs' Motion for Summary Judgment
January 14, 2004	Order Granting Defendants' Motions for Summary Judgment and Denying Plaintiffs' Motion for Summary Judgment
January 28, 2004	Notice of Appeal

Arkansas Court of Appeals, No. CA 04-00449

July 22, 2004	Appellants' Brief and Addendum
August 26, 2004	Appellees' Joint Brief and Supplemental Addendum
September 17, 2004	Appellants' Reply Brief

Supreme Court of Arkansas, No. 04-449

September 27, 2004	Case assumed by Arkansas Supreme Court
November 18, 2004	Opinion Affirming Trial Court's Decision
December 6, 2004	Appellants' Petition for Rehearing
December 20, 2004	Appellees' Response to Petition for Rehearing
January 6, 2005	Order Denying Petition for Rehearing

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
6TH DIVISION

FILED
2003 JUL 28 AM 9:04
CAROLYN STALEY
CIRCUIT COUNTY CLERK

GARY KENT JONES PLAINTIFF

v No. CIV 2003-8565

LINDA K. FLOWERS and
MARK WILCOX, COMMISSIONER OF STATE LANDS,
STATE OF ARKANSAS DEFENDANTS

COMPLAINT

For his complaint, plaintiff states as follows:

1. The plaintiff is the owner of the described real property in Pulaski County, Arkansas:

Lot 10 and the South 20 feet of Lot 12,
Success Addition to Little Rock, Arkansas
(717 N. Bryan St.).

The Plaintff has owned this property since 1967, in fee simple.

2. Defendant Linda K. Flowers is a resident of Pulaski Count, Arkansas. Defendant Mark Wilcox is named in his capacity as Land Commissioner of the State of Arkansas.

3. Jurisdiction and venue is proper in this forum.

4. On or about July 2, 2003, plaintiff was notified that his home had been sold by the State of Arkansas.

5. Attached hereto is "Limited Warranty Deed No. 140635 for Forfeited Property Sold", dated May 28, 2003, from Mark Wilcox, Commissioner of State Lands, as Grantor, to Linda K. Flowers.

6. The property was sold for $21,042.15. The market value of the property exceeds $70,000.00.

7. The aforementioned deed is deficient in that plaintiff was never given actual notice of the sale and never given actual notice of the right to redeem after sale. The failure to give actual notice to plaintiff results in an unlawful taking of property without due process in violation of the Constitutions of the United States and the State of Arkansas.

WHEREFORE, Plaintiff prays the "Limited Warranty Deed No. 140635" be canceled and set aside; that the Defendant Linda K. Flowers be restrained and enjoined from taking any act based upon such deed; that plaintiff recover from defendants his attorney's fees incurred in the prosecution of this cause, court costs and all other relief the Court may deem appropriate.

Respectfully Submitted,

/s/ Paul Johnson
Paul Johnson, Bar No, 67029
P.O. Box 21009
Little Rock, AR 72221
(501) 227-9292

VERIFICATION

STATE OF ARKANSAS]
] ss
COUNT OF PULASKI]

I, Gary Keny Jones, after first being duly sworn, state that the allegations made in this complaint are true and correct to my knowledge and belief.

/s/ Gary Kent Jones
Gary Kent Jones

Subscribed and sworn to on July 25, 2003.

/s/ Nancy A. Bosley
Notary Public

My commission expires August 20, 2012.

[Notary Seal Omitted In Printing]

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

FILED
2003 SEP 17 AM 8:26
CAROLYN STALEY
CIRCUIT COUNTY CLERK

GARY KENT JONES and
JEAN L. JONES PLAINTIFFS

v No. CIV 2003-8565

LINDA K. FLOWERS and
MARK WILCOX, COMMISSIONER OF STATE LANDS,
STATE OF ARKANSAS DEFENDANTS

AMENDED COMPLAINT

For their amended complaint, plaintiffs state as follows:

1. All allegations in the original complaint as incorporated herein.

2. Jean L. Jones is added as a plaintiff as she was in possession of the subject property at the time of the tax sale.

3. The correct description of the subject property is:

Lot 10 and the South 20 feet of Lot 11,
Success Addiction to Little Rock, Arkansas
(717 N. Bryan St.).

Respectfully submitted,

/s/ Paul Johnson

Paul Johnson, Bar No. 67029
P.O. Box 21009
Little Rock, AR 72221
(501) 227-9292

cc. Mark Riable, Esq.
Carol L. Lincoln, Esq.

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

GARY KENT JONES — PLAINTIFF
JEAN L. JONES

VS. — CASE NO.: CIV 03-8565

LINDA K. FLOWERS and — DEFENDANT
MARK WILCOX, COMMISSIONER OF
STATE LANDS, STATE OF ARKANSAS

AFFIDAVIT

STATE OF ARKANSAS]
]
COUNT OF PULASKI]

I, Gary Kent Jones, after being duly sworn, state on oath as follows:

1. I purchased in 1967 the following property in Pulaski County, Arkansas, to wit:

Lot 10 and the South 20 feet of Lot 11,
Success Addition to Little Rock, Arkansas
(717 N. Bryan St.)

The property is the homestead of my wife and myself.

2. I received no notice from the Commissioner of State Land that my homestead would be sold as tax-delinquent land.

3. I received no notice from the Commissioner of State Lands that I had the right to redeem my homestead after it was sold as tax-delinquent land.

4. I have lived a 7901 Foxchase, Apt 3, Little Rock, Arkansas 72207 since 1993. I have been listed in the Little Rock, Arkansas phone book at that address since 2000. I have been on the Pulaski County voter rolls at that address since 1993. I have been on the state income tax rolls at that address since 1993. I have been employed by the Social Security Administration for over 20 years and my address at that employment is 7901 Foxchase, Apt, 3, Little Rock, Arkansas, 72207.

/s/ Gary Kent Jones
Gary Kent Jones

Subscribed and sworn to on November 24, 2003.

/s/ Nancy A. Bosley
Notary Public

My Commission expires August 20, 2012

[Notary Seal Omitted In Printing]